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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ECHOSTAR SATELLITE L.L.C. et al.,

Plaintiffs,

v.

FREETECH, INC. and DOES 1-10,

Defendants.

FREETECH, INC.,

Counterclaimant,

v.

ECHOSTAR SATELLITE L.L.C. et al.,

Counter-defendants.

Case No. CV-07-6124 (JW)

**DECLARATION OF CHAD M. HAGAN IN  
SUPPORT OF OPPOSITION TO  
FREETECH'S MOTION FOR  
PROTECTIVE ORDER**

Date: September 15, 2008

Time: 9:00 a.m.

Place: Courtroom 8, 4th Floor, San Jose

1 I, Chad M. Hagan, declare:

2 1. I am an attorney with the law firm of T. Wade Welch & Associates and am duly  
3 licensed to practice law in the states of Texas and Colorado. I have also been admitted *pro hac*  
4 *vice* for purposes of the current action between EchoStar and Freetech. I am the counsel of record  
5 for Plaintiffs and Counter-defendants in this action, and I am authorized to make this declaration  
6 in that capacity. I make this declaration of my own personal knowledge and, if called upon to  
7 testify, could and would testify competently as stated herein.

8 2. On July 25, Plaintiffs served subpoenas ("the July 25 Subpoenas") on several  
9 Freetech distributors seeking the following:

10 Documents sufficient to identify each Person who purchased or otherwise  
11 obtained a Coolsat Receiver or Receivers from You during the period January 1,  
12 2003 to June 30, 2008, including each Person's name, address, phone number,  
13 and email address, and the purchase date, purchase price, purchase quantity, and  
14 model number for each Receiver.

15 3. Counsel for both parties met and conferred regarding the information sought in the  
16 July 25 Subpoenas.

17 4. Plaintiffs offered to enter into a stipulated protective order limiting the use of the  
18 evidence to attorneys and experts only. Plaintiffs explained to Defendnats the relevance of the  
19 evidence, its discoverability, and provided supporting case law prior to Defendants filing the  
20 instant Motion. These efforts were unsuccessful.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
22 August 25, 2008 in Houston, Texas.

23 /s/ Chad M. Hagan

24 Chad M. Hagan